

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 2440 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

- =====
1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

PRATAPSIKH SONABHAI CHAUHAN

Versus

STATE OF GUJARAT

Appearance:

MR DC RAVAL for Petitioner

Mr D.C.Dave, AGP, for Respondents

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 28/08/97

ORAL JUDGEMENT

Rule. Mr D.C.Dave, learned AGP waives service of rule for the respondents.

2. The grievance of the petitioner is that the school was shifted under GR dated 25.6.96. However, by

the impugned order dated 21.3.97, annexure H, the petitioner has again been asked to revert back to village Tidki. The said order has been passed without hearing the petitioner. The intervener say that the school is required in village Tidki. Be that as it may. The order dated 21st March, 1997 is ex facie illegal as the same suffers from the violation of principles of natural justice.

3. In view of the aforesaid, this Special Civil Application is allowed and the order dated 21st March, 1997, annexure H, is quashed and set aside. The respondents will take a fresh decision after hearing all the persons concerned. Rule is made absolute to the aforesaid extent.

.....

(vjn)